

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID RIVERA	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 08-557
v.	:	
	:	
TROY LEVI, Warden, FDC-Phila	:	
Defendant.	:	

ORDER

AND NOW, this 26th day of November, 2008, upon consideration of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by David Rivera, and the related submissions of the parties, including petitioner's Motion for Temporary and Permanent Injunction, and the record in this case, and the Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated August 22, 2008, a copy of the Report and Recommendation having been served on petitioner by certified mail prior to October 29, 2008,¹ and petitioner having filed no objections, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated August 22, 2008, is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by David Rivera is **DENIED**;
3. David Rivera's Motion for Temporary and Permanent Injunction is **DENIED AS MOOT**; and,
4. A certificate of appealability will not issue because reasonable jurists would not debate

¹Petitioner failed to provide the Court with his current address. Nevertheless, the Court was able to located him at 11629 Bentry Street, Orlando, Florida 32810, the address at which he was served with a copy of the Report and Recommendation.

whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Honorable Jan E. DuBois

JAN E. DuBOIS, J.